



HF 567 – Synthetic Drugs (LSB1434HV)

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Fiscal Note Version – New

Description

House File 567 defines imitation controlled substances and enhances penalties, modifies the controlled substances lists to include new synthetic drug products, and lengthens the time the Pharmacy Board is allowed to temporarily designate substances as controlled substances before the General Assembly must take action to codify the changes.

Background

Synthetic drug products (marketed under various names) are man-made chemicals marketed as a “legal” high. Synthetic cannabinoids are applied onto plant materials to simulate marijuana. Synthetic cathinones are man-made chemicals related to amphetamines. The contents and effects of synthetic cannabinoids and cathinones are unpredictable due to constantly changing chemicals used in the manufacturing processes that are without quality controls and government regulatory oversight. The chemical compositions are constantly changing to skirt newly enacted laws to place the products on the scheduled lists of controlled substances. Currently, if the Pharmacy Board designates a new substance as controlled, the General Assembly has 60 days upon convening to make corresponding changes in Iowa Code **chapter 124** or the temporary designation is nullified.

Nationwide, in calendar year 2012, 51 new synthetic cannabinoids were identified, 31 new cathinones were identified, and 76 other synthetic compounds were identified for a total of 158 new synthetic drug products entering the marketplace. Side effects of synthetic drugs can include severe agitation and anxiety, nausea, vomiting, tachycardia, elevated blood pressure, tremors and seizures, hallucinations, dilated pupils, suicidal and harmful thoughts/actions, chest pain, extreme paranoia, hallucinations, delusions, and violent behavior.

Correctional Information

- The impact to the Judicial Branch operating budget is the cost difference between a serious or aggravated misdemeanor (\$213 per case) and a Class B or C felony (\$361 per case).
- The table below shows FY 2010-2014 convictions for imitation controlled substances, according to the Justice Data Warehouse:

Offense Class	FY 2010-2014 Convictions
Serious Misdemeanor	1
Aggravated Misdemeanor	19
Total Convictions	20

- The overall conviction rate is 25.0%.

Minority Data Information

The table on the following page shows the FY 2010-2014 offender-based convictions for imitation controlled substances, by race/ethnicity, according to the Justice Data Warehouse. Data was available on 11 of the 20 convictions recorded.

Conviction Offense Class	White	Black	Other
Serious Misdemeanor	100.0%	0.0%	0.0%
Aggravated Misdemeanor	60.0%	30.0%	10.0%
Total Convictions	63.6%	27.3%	9.1%

Refer to the Legislative Services Agency (LSA) [Minority Impact Statements Memo](#) dated January 30, 2015, for information related to minorities in the criminal justice system.

Assumptions

- Conviction and sentencing patterns will not change, for an average of four convictions a year. While the conviction rate may increase with increased imitation controlled offense levels there is no way to estimate what that impact will be. Therefore, the assumption being used is that the conviction pattern will remain the same.
- The impact on minorities will remain consistent with current data.
- The average State cost for one Class C felony conviction ranges from \$6,800 to \$18,000. The average State cost for one Class B felony conviction ranges from \$8,600 to \$36,000. The LSA [Correctional Impact Statements Memo](#) dated January 30, 2015 contains additional information.

Summary of Impacts

Minority Impact: To the extent convictions occur under the provisions of the Bill, there will be a minority impact, specifically on Blacks. Blacks are about 3.3% of the Iowa population but are about 27.3% of the convictions impacted under this Bill.

Correctional Impact: The correctional impact is expected to be minimal due to the low number of convictions under current law. Enhancing the penalties will increase the incarceration rate and lengthen the terms of supervision, both in the State prison system and Community-Based Corrections (CBC). Offenders convicted under the provisions of this Bill will remain under supervision longer than current law.

Fiscal Impact: The additional cost for enforcement and regulation by law enforcement agencies at the State and local level is expected to be minimal.

Additional costs to the Judicial Branch for enhanced penalties in this Bill are minimal.

The fiscal impact at the most will be \$144,000 per year (average of four convictions at the maximum Class B felony conviction cost of \$36,000).

Sources

Office of National Drug Control Policy
 Department of Public Safety
 State Court Administrator's Office
 Criminal Justice and Juvenile Planning Board

/s/ Holly M. Lyons

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The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
